

pain may become so unmanageable while he waits that he must be transported by ambulance to a hospital emergency room. The ambulance ride and emergency room admission are not only expensive; they can set back the fragile resident's recovery from surgery. Our legislation would make these situations entirely avoidable.

DEA's enforcement initiative effectively put nursing home providers in a difficult position: If they follow the letter of the law, they are in danger of violating Health and Human Services regulations requiring them to administer medications in a timely manner. Failure to do so can result in monetary penalties. In addition, pharmacies could face fines under the CSA if they respond to the nursing home's order—which is almost always transmitted by a nurse—if they fill the order. As a result, a number of pharmacies, including several in the Midwest, are facing tens of millions of dollars in fines imposed by DEA.

Last year DEA issued a policy statement to provide a way for nursing home residents to access some kinds of medication more quickly. Under this new policy, a nursing home's licensed health care professionals may, on a physician's behalf, transcribe the physician's oral prescription for Schedule III, IV or V medications to a pharmacy to be filled. While we appreciated DEA's efforts, without amending the CSA the agency does not have the statutory authority to allow licensed health care professionals to transmit prescriptions for Schedule II controlled substances, the category under which nearly all pain medications fall. Legislation is required in order to provide nursing home residents prompt, reliable pain relief when they are suffering from severe injury or illness.

Our bill would provide a remedy by modifying the CSA to permit pain medication to be dispensed in emergency situations by nursing home professionals without a direct written order by a physician prior to its dispensing. Let me explain how this would work. A physician, if he or she chooses, would be able to authorize the administrator of a long-term care facility to designate one or more licensed health care professionals employed by the facility to act as a "facility designee." In emergency situations only, and upon receiving an oral prescription from the physician, a facility designee would be permitted to contact a pharmacy to have the prescription filled and then dispense Schedule II medications to long-term care facility residents.

This would allow a physician to provide the prescription information to the facility designee via phone when a resident urgently needs pain medication and the physician is unavailable to transmit a written prescription to a pharmacy for a Schedule II controlled substance. The facility designee must document the physician's prescription in writing and transmit the written document to a pharmacy so that the

prescription can be filled. After the pharmacy fills the prescription, it must send a copy of the written document memorializing the prescription to the physician for his or her endorsement. The physician must then send the endorsed document, confirming the oral prescription, to the pharmacy within five business days.

Diversion of controlled substances for illicit purposes is of great concern to me. That is why we have included numerous provisions to protect against diversion in nursing homes. For example, the bill requires careful record-keeping by facilities and pharmacies, which can then be reviewed by DEA as necessary. It requires each actor—the physician, facility designee, and pharmacist—to make a record of his or her role in the process. Long-term care facilities are asked to maintain a written or electronic logbook that memorializes prescriptions and their administration.

Additionally, the legislation enhances criminal and civil penalties for long-term care facility administrators and facility designees who divert drugs, or who violate recordkeeping requirements. These steps will help to ensure that pain medications get to those nursing home residents who need them.

I appreciate the great interest of the stakeholders, including long-term care facility, physician and pharmacy organizations, in solving this problem and I look forward to working with them to finally end the needless delay in pain relief. I would like to thank Attorney General Holder, DEA Administrator Michelle Leonhardt, and their staff for working with me on this legislation, and I look forward to continuing our work together to assure rapid approval by Congress.

Nursing home residents cannot wait for pain medication when they are in debilitating pain and our straightforward bill can help provide some needed relief. I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 266—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL SAVE FOR RETIREMENT WEEK", INCLUDING RAISING PUBLIC AWARENESS OF THE VARIOUS TAX-PREFERRED RETIREMENT VEHICLES AND INCREASING PERSONAL FINANCIAL LITERACY

Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 266

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the

sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than 2/3 of workers or their spouses are currently saving for retirement, and the actual amount of retirement savings of workers is much less than the amount needed to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is an important factor to workers understanding the true need to save for retirement;

Whereas saving for retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not be aware of their options in saving for retirement or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have available to them, through their employers, access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas the need to save for retirement is important even during economic downturns or market declines, which make continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans that include retirement savings strategies and to take advantage of the availability of tax-preferred savings vehicles to assist workers in saving for retirement; and

Whereas October 16 through October 22, 2011, has been designated as "National Save for Retirement Week": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and are utilized by many people in the United States, but which should be utilized by more;

(3) supports the need to raise public awareness of the importance of saving adequately for retirement and the continued existence of tax-preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities, with the goal of increasing retirement savings for all people in the United States.

SENATE RESOLUTION 267—RECOGNIZING THE HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS TO THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID of Nevada, Mr.